

Air Toxic Regulations Finalized

Amendments to the Air Toxics requirements in Air Pollution Control Regulation No. 9, “Air Pollution Control Permits” and No. 22, “Air Toxics” were adopted on April 27, 2004. Below is a summary of the major changes, which were developed in conjunction with a stakeholder group. The amendments:

- ◆ Expand the list of toxic air contaminants in the regulations to include all of EPA’s Hazardous Air Pollutants (HAPs) as well as 47 other substances for which the EPA and/or the State of California have derived inhalation health benchmarks and 17 substances that RIDEM evaluated in air permit reviews in the past several years.
- ◆ Update Acceptable Ambient Levels (AALs), which are ambient air impact standards, to reflect current toxicological data compiled by the EPA, the ATSDR and the State of California. The procedures used for deriving AALs are delineated in the updated Rhode Island Air Toxics Guideline.
- ◆ Update Minimum Quantity applicability thresholds. These thresholds were calculated by using air dispersion models to determine the amount of a listed air toxic that, if emitted under poor dispersion conditions, could cause an exceedance of an AAL for that substance.
- ◆ Change the Minimum Quantity thresholds from the amount of the substance used or generated to the amount emitted by a facility. This change eliminates the unintended regulation of facilities that use but do not emit air toxics.
- ◆ Remove requirements for perchloroethylene dry cleaning facilities from Regulation No. 22. Requirements for dry cleaning facilities were promulgated in November 2003 as a new regulation, Regulation No. 23.
- ◆ Remove the exemption for small organic solvent degreasing sources. These sources were previously exempted because they are subject to technology requirements in Regulation No. 36 and because sources in this category were too numerous to be evaluated individually. The exemption has now been removed because some degreasers meeting the technology requirements still have significant impacts on neighborhood air quality and thus require further evaluation. Further, the number of degreasers in operation in the State has declined substantially in recent years due, in part, to the availability of alternative metal cleaning methods, making individual impact evaluations more feasible.
- ◆ Exempt sodium hydroxide emissions from caustic scrubbers. These emissions are low and difficult to quantify and the use of these devices reduces emissions of other pollutants.

- ◆ Add exemptions for asbestos abatement projects subject to Department of Health (HEALTH) rules and for lead paint hazard reduction and removal projects subject to HEALTH rules and/or RI DEM Regulation No. 24. These exemptions eliminate possible overlapping regulation of those sources.
- ◆ Change the exemption for fuel burning sources. Previously, facilities burning fuel to produce heat were exempt. The new exemption is based on the amount of pollutants emitted, not on the end use of the energy generated. Smaller facilities are exempt, regardless of whether they produce heat or electricity. Major fuel burning sources, including those that produce heat, will be subject to the rule on or after April 27, 2009, allowing time for facilities to investigate compliance alternatives.
- ◆ Clarify the requirements for permits to construct, install or modify air toxics sources and for air toxics operating permits (ATOPs). The amended regulation allows a modeling analysis in a permit application to take into account the land use of neighboring property and specifies that on-property impacts can be considered if the public has unrestricted access to that property.
- ◆ Clarify the requirements for air toxics source registrations and include a delineation of the information that must be included in annual registrations.
- ◆ Move two sections of Regulation No. 9 that deal with ATOPs to Regulation No. 22 in order to consolidate all ATOP requirements in one regulation. Regulation No. 9 now contains only requirements for permits to construct, install or modify.
- ◆ Add language that requires RI DEM to notify a facility of the reasons that an ATOP is denied and that identifies the reasons that an ATOP can be suspended, revoked or amended and specifies procedures for appealing such actions.

The amended regulations can be found on RI DEM's web site at <http://www.state.ri.us/dem/pubs/regs/index.htm#Air>. Questions about the amended regulations can be directed to Barbara Morin at 222-4700, extension 7012.